



UNITED STATES DEPARTMENT OF COMMERCE

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A/S

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. |
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|-----------------|-------------|----------------------|---------------------|

09/251,149 02/17/99 OWEIS

S A7398

IM22/0718

EXAMINER

SUGHRUE MOIN ZINN
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WASHINGTON DC 20037-3202

MAPLES, J

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

1745

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DATE MAILED: 07/18/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

| | | | |
|-----------------|----------------|----------------|--------------|
| Application No. | 09/257,149 | Applicant(s) | O'WEIS ET AL |
| Examiner | JOHN S. MARLEY | Group Art Unit | 1745 |

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE THREE MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication .
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

Responsive to communication(s) filed on 5/4/00.

This action is FINAL.

Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 1 1; 453 O.G. 213.

Disposition of Claims

Claim(s) 26-40 is/are pending in the application.

Of the above claim(s) _____ is/are withdrawn from consideration.

Claim(s) 28-30 is/are allowed.

Claim(s) 26 27, 32-40 is/are rejected.

Claim(s) 31 is/are objected to.

Claim(s) _____ are subject to restriction or election requirement.

Application Papers

See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

The proposed drawing correction, filed on _____ is approved disapproved.

The drawing(s) filed on _____ is/are objected to by the Examiner.

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

All Some* None of the CERTIFIED copies of the priority documents have been received.

received in Application No. (Series Code/Serial Number) _____.

received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____.

Attachment(s)

Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

Interview Summary, PTO-413

Notice of Reference(s) Cited, PTO-892

Notice of Informal Patent Application, PTO-152

Notice of Draftsperson's Patent Drawing Review, PTO-948

Other _____

Office Action Summary

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1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

- (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.
- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

2. Claims 26, 27, 32-40 are rejected under 35 U.S.C. 102(b) as being anticipated by Cailley. (New Rejection with regard to claims 33, 34, 37, 39, 40)

See Figure 1 of Cailley along with columns 3 and 4 of the same.

Applicant's arguments have all been considered but are not deemed persuasive.

Applicant argues that the tab connection portion extends over the entire end of the electrode stack. The examiner respectfully disagrees. Viewing Figure 1, it is noted that the entire left side from top to bottom of the electrode stack is not covered by the tab portion.

Claim 38 recites that the tab portion does not extend over the entire periphery of the stack. For the reasons presented in the previous paragraph, the patent to Cailley meets the claimed recitation.

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3. Claims 26, 32, 35, 36 and 38 are rejected under 35 U.S.C. 102(a) and (e) as being anticipated by Suzuki et al. (Suzuki)

Reference is made to Figures 4 and 5 of the patent to Suzuki along with the corresponding text.

Turning now to applicant's arguments relating to Suzuki, applicant argues that Suzuki teaches a battery where the tab connection portion extends over the entire one end of the electrode stack. Figures 4 and 5 of Suzuki shows a stack. As outlined in the previous section regarding the reference to Cailley, the entire left side and right side of the stack in both Figures 4 and 5 are a part of the stack not covered by the tab connection portion. Thus the entire end of the stack is not covered by the tab portion shown by Suzuki including the periphery part of the said stack.

With regard to applicant's arguments relating to claim 38, the above paragraph includes arguments why Suzuki is applicable to the claimed subject matter.

4. Applicant's amendment necessitated the new grounds of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John S. Maples whose telephone number is (703) 308-1795. The examiner can normally be reached on Monday-Friday from 6:30 to 4:00. The examiner can also be reached on alternate Wednesdays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Maria Nuzzolillo, can be reached on (703) 305-3776. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-3599.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

JSM/July 17, 2000

John Maples
JOHN S. MAPLES
PRIMARY EXAMINER
GROUP 1745